CWP 922 of 2007

03.07.2007 Present: Mr.K.D. Sood, counsel for the petitioner.
Mr. Shrawan Dogra, counsel for the respondent.

The petitioner by means of this writ petition has basically sought implementation of order dated 23.9.2006 passed by the Principal Secretary (Power) to the Government of Himachal Pradesh in case No.11/2003 titled as M/s SAB Industries Limited v. HPSEB. According to the petitioner, the Himachal Pradesh State Electricity Board has sent a cheque of Rs.29,54,133/- to the petitioner in purported compliance of the said orders. According to the petitioner, even after adjusting this amount, a sum of Rs.14,62,823.93 is still due to it.

This court in exercise of its extraordinary writ jurisdiction, cannot be turned into an executing court to execute the orders passed by the statutory appellate authority under the Electricity Act. It is for the appellate authority itself to determine what is the amount due and payable to the petitioner, if any, under its orders. We, therefore, dispose of this writ petition with a direction that in case the petitioner approaches the Principal Secretary (Power) to the Government of H.P. within three weeks

from today, he shall, after issuing notice to the HPSEB and hearing both the parties, determine the amount, if any, due to the petitioner within three months thereafter. With these observations, the petition stands disposed of.

CMP No.1576 of 2007

Infructuous.

(Deepak Gupta),ACJ.

3rd July, 2007 (V.K.Ahuja),J.
(sds)